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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,743	05/16/2007	Stefan Schlstedt	10400A-000080/US	2255
36593 7590 07/07/2010 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
SCHATZ, CHRISTOPHER T				
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1791				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,743

**Applicant(s)**

SEHLSTEDT ET AL.

**Examiner**

CHRISTOPHER SCHATZ

**Art Unit**

1791

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7, 9 and 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, Species A1, B1, C1 and D1 in the reply filed on 03/15/10 is acknowledged. The applicant states that the claims that read on the elected Group and Species are 1, 3, 4, 6-15 and 17. This is not accurate. The claims that read on the elected Group and Species are 1-4, 6, 8 and 10-12. The applicant argues that the examiner has not applied the proper unity of invention standards because the examiner has failed to identify what is considered to be a special technical feature and why such a feature does not make a contribution over the prior art. This does not amount to a failure to properly apply unity of invention standards for restriction practice. According to MPEP 1893.03(d), "The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art". In the restriction requirement, the examiner expressly stated that the common technical features shared among the Groups do not make a contribution over the prior art. Contrary to the applicant's assertion, the examiner did in fact provide evidence that said features do not make a contribution over the prior art (FR 2463078). Further evidence that the shared technical features do not make a contribution over the prior art can be found below. Since none of the common technical features among the Groups are

special technical features, the Groups are not linked so as to form a single general inventive concept.

The applicant cites 37 CFR 1.475 (b) and alleges that the groups of claims relate at least to one of the 5 categories listed in 37 CFR 1.475 (b). In citing this section, The applicant ignore 37 CFR 1.475 (a), which explicitly recites "Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features". There are no corresponding special technical features as discussed above, and thus unity of invention is not present.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardin et al. (WO 95/21690).

As to claims 1-4, Gardin discloses an isostatic press, comprising: a pressure chamber for accommodating a pressure medium 6, the pressure chamber being enclosed by a cylindrical element that is force-absorbing body 3; a prestressing device

7, provided around an outer envelope surface of the force-absorbing body (figures 1 and 4), the force-absorbing body thereby being radially prestressed (page 10, lines 31-35; page 7, lines 6-16); and at least one tunnel-like passage 14 running essentially over the length of said outer envelope surface of the force-absorbing body (figure 3; page 5, lines 23-26), the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, capable of conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body (page 3, lines 25-32). The applicant should note that the cylindrical element 3 reads on the term "force-absorbing body" as such is capable of absorbing at least a minor amount of force. Additionally, the cylindrical element is a force absorbing cylindrical wall of a pressure vessel.

As to claim 6, Gardin further discloses an isostatic press wherein said prestressing device is at least one of wire-shaped and band-shaped and is wound around said outer envelope surface (page 10, lines 31-35).

As to claim 10, Gardin discloses an isostatic press wherein said at least one tunnel-like passage runs in the form of a spiral around said outer envelope surface and essentially along the whole of its length Figure 1; page 5, lines 23-26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gardin.

As to claims 11 and 12, Gardin discloses channels as discussed in claim 10 above. The examiner interprets use of the plural term "channels" as a disclosure that there are more than one parallel tunnel-like passages running in the form of a spiral around said outer envelope surface and essentially along the whole of its length. Nonetheless, one of ordinary skill in the art would have appreciated to use at least two parallel tunnel-like passages as doing such would aid in accurately and quickly determining if a leak is present. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have at least two tunnel-like passages running in parallel in the form of a spiral around said outer envelope surface and essentially along the whole of its length as such would achieve the advantages discussed above.

5. Claims 1-4, 6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maerz (US 2002/0076347) in view of Gardin.

As to claims 1 and 2, Maerz discloses an isostatic press, comprising: a pressure chamber for accommodating a pressure medium 6, the pressure chamber being enclosed by a cylindrical element (figure 1, paragraph 0033).

It is not clear if Maerz discloses an isostatic press further comprising: a prestressing device provided around an outer envelope surface of the force-absorbing

body, the force-absorbing body thereby being radially prestressed; and at least one tunnel-like passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body.

Gardin discloses a method as discussed above. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the press of Maerz by: adding a cylindrical element that is a force adsorbing body wherein at least one tunnel-like passage runs essentially over the length of said outer envelope surface of said added force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of said force-absorbing body, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body; providing a prestressing device around an outer envelope surface of the force adsorbing body such that said force-adsorbing body is radially prestressed and wherein said prestressing device covers a portion of the groove as taught by Gardin above. Use of a prestressed force adsorbing body (liner) is well known in the art (Gardin, page 1, lines 22-26) and the addition of the tunnel-like passages will enable the press to detect when leaks have occurred in the force-adsorbing body thus decreasing repair and maintenance costs (page 4, lines 6-34).

As to claims 3 and 4, in the modified press discussed above, the force adsorbing body 3 of Gardin is a cylindrical wall of a cylindrical pressure vessel and is a force-absorbing cylindrical wall of a pressure vessel. As to claim 6, Gardin further discloses an isostatic press wherein said prestressing device is at least one of wire-shaped and band-shaped and is wound around said outer envelope surface as discussed above. As to claim 8, Maerz discloses supplying the pressure medium by a pumping device 8 (paragraph 0033). One of ordinary skill in the art would have readily recognized to dimension the cross-sectional area of the tunnel-like passage such that said tunnel-like passage is capable of conducting pressure medium flow essentially equal to if not larger than the flow of the medium into the chamber supplied by the pumping device as doing such will enable leaks in the force adsorbing body to be detected quickly. As to claim 10, Gardin discloses the limitations as discussed above. Thus, in the modified press at least one tunnel-like passage will run in the form of a spiral around said outer envelope surface and essentially along the whole of its length. As to claims 11 and 12, Gardin discloses channels as discussed in claim 10 above. The examiner interprets use of the plural term "channels" as a disclosure that there are more than one parallel tunnel-like passages running in the form of a spiral around said outer envelope surface and essentially along the whole of its length. Nonetheless, one of ordinary skill in the art would have appreciated to use at least two parallel tunnel-like passages as doing such would aid in accurately and quickly determining if a leak is present. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have at least two tunnel-like passages running in parallel in the form of a spiral around said

outer envelope surface and essentially along the whole of its length as such would achieve the advantages discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/

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